

REMARKS

Claims 1-46 have been cancelled and Claims 47-80 have been added. Claims 47-80 are pending in the application and are presented for consideration and examination in view of the amendment and the following remarks. The new claims are supported by, for example, Figures 1, 1A, 2, and 11A-12 and the corresponding description including paragraphs [0031]-[0034], [0051], [0055], [0060], [0082], [0088], [0093], [0095]-[0120]. No new matter is added by the amendment. Applicant respectfully requests entry of the amendment.

Discussion of Rejection Under Nonstatutory Double Patenting

The Examiner provisionally rejected Claims 1 through 46 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-17, 26-49, and 58-64 from co-pending Application No. 10/353,805 (Atty. Docket KSCII.007A). This rejection is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. This rejection is moot in view of Applicant's cancelling Claims 1-46.

New Independent Claims 47, 75, and 76

New independent Claims 47, 75, and 76 are not anticipated or made obvious by the applied prior art.

Claims 47 and 75

Independent Claim 47 recites, among others, "a destination selection unit configured to select at least one speaker from a plurality of speakers to receive the output signal; and a transmitter connected to the plurality of speakers via a network and configured to transmit the output signal to the selected speaker." Neither Holl nor Harrison teaches or suggests this feature.

Harrison relates to a speaker system in which a transmitter receives audio signal from a television and transmits the same to a single remote speaker. The transmitter is not connected to a plurality of speakers as recited in Claim 1. Furthermore, the system of Harrison does not have a destination selection unit as recited in Claim 1.

Holl relates to a speaker system including a television (44) connected to two speakers via a cable. Holl does not disclose or teach a transmitter connected to a plurality of speakers via a network.

Accordingly for at least these reasons, independent Claim 1 is not anticipated by Holl or Harrison. Further, none of the applied prior art discloses or suggests such a feature. Therefore, Claim 1 is allowable over the applied prior art.

Independent Claim 75 recites a similar feature as discussed above with regard to Claim 47. For the same reasons, independent Claim 75 is not anticipated by Holl or Harrison. Further, none of the applied prior art discloses or suggests such a feature. Therefore, Claim 75 is allowable over the applied prior art.

Claims 76

Independent Claim 76 recites, among others, "a transmitter connected to at least one speaker via a network; and a processor configured to process the audio signal and to generate a first output audio signal and a second output audio signal, wherein the first output audio signal is sent to the amplifier module and the second output audio signal is sent to the speaker." Neither Holl nor Harrison teaches or suggests this feature.

Harrison relates to a speaker system in which a transmitter receives an audio signal from a television and transmits the audio signal to a single remote speaker. Harrison does not disclose or teach a processor which generates, from an input audio signal, a first output audio signal to be sent to an amplifier and a second output audio signal to be sent to the transmitter.

Holl relates to a speaker system including a television (44) connected to two speakers via a cable. Holl does not disclose or teach a transmitter connected to a speaker via a network.

Accordingly for at least these reasons, independent Claim 76 is not anticipated by Holl or Harrison. Further, none of the applied prior art discloses or suggests such a feature. Therefore, Claim 76 is allowable over the applied prior art.

Dependent Claims

Dependent Claims 48-74 and 77-80 are depend directly or indirectly from Claims 47 and 76 and, thus, are patentable for at least the same reasons that the claim from which they depend is

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patentable over the art of record. Therefore, allowance of Claims 48-74 and 77-80 is respectfully requested.

No Disclaimers or Disavowals

The claims of the present application are different and possibly broader in scope than any issued claims in any related patent. In related U.S. patent application Serial Nos. 10/613,596, the Applicant amended claims and received allowance over prior art. In particular, the Applicant amended claims and received allowance over at least U.S. Patent Nos. 6,754,354 to Lokoff and 5,428,341 to Takahashi and U.S. Patent Application Publication Nos. 2002/0145509 to Karny and 2002/0135513 to Paschen and 2003/0062990 to Schaeffer.

To the extent that any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, the Applicant hereby rescind and retract such disclaimer. Accordingly, the listed or referenced art in the related patents may need to be re-visited.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed
10/353,805	WIRED, WIRELESS, INFRARED, AND POWERLINE AUDIO ENTERTAINMENT SYSTEMS	January 23, 2003

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12/050,786	WIRED, WIRELESS, INFRARED, AND POWERLINE AUDIO ENTERTAINMENT SYSTEMS	March 18, 2008
12/020,456	WIRED, WIRELESS, INFRARED, AND POWERLINE AUDIO ENTERTAINMENT SYSTEMS	January 25, 2008

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is earnestly requested.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole.

Applicant has not presented all arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit evidence relating to secondary considerations supporting the non-obviousness of the securement devices recited by the pending claims.

The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain of if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney, James Herkenhoff at (619) 687-8663 (direct line), in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

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